

USPTO Should Rethink Its Resistance To Political Slogan TMs

The events of Jan. 6 at the Capitol were unprecedented on a number of counts. The images of a disorganized mob flooding into the [U.S. House of Representatives](#) and [U.S. Senate](#) chambers are seared into the national memory, perhaps forever.

As a trademark attorney, I noticed something else unusual about the day. It's admittedly mundane by comparison, but it's something I've thought a lot about since — that is, the lack of a single trademark application, either before or after that date, for one of the more common rallying cries of the movement: "Stop the Steal." An application for "We Did Stop the Steal" filed on Feb. 19 is the closest attempt.

Maybe that's not surprising, given that many of those who might want to claim the phrase have been arrested. On top of that, "Stop the Steal" is actually an old slogan, previously used in 2016 by a controversial 527 advocacy group affiliated with former President Donald Trump's ally Roger Stone. The slogan lay dormant for years before it exploded among right-wing groups once the former president's loss became clear.

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